

1 BEFORE THE ARIZONA STATE
2 BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

3 In the Matter of the Informal) Complaint No. 95-08
4 Interview of:)
5 STANLEY R. OLSZTYN, M.D. (H.))
6 Holder of License No. 004)
7 for the practice of homeopathic)
8 medicine in the State of Arizona)
9

10 This matter came before the Arizona Board of Homeopathic
11 Medical Examiners for Informal Interview at public meetings held
12 at 1400 W. Washington, Phoenix, Arizona, on March 27, 1996, April
13 5, 1996, January 22, 1997 and March 26, 1997, to determine
14 whether grounds existed for the imposition of discipline against
15 Stanley R. Olsztyn, M.D. (H.). Dr. Olsztyn was represented by
16 various attorneys throughout these proceedings: Susan Robbins,
17 Harry Friedlander and Stephen Myers, respectively. The Board
18 granted appropriate continuances throughout these proceedings to
19 accommodate the changes in representation. Dr. Olsztyn presented
20 exhibits on his behalf and testified to the Board. The
21 proceedings in this matter are governed by A.R.S. §32-2934.

22 Having heard the testimony of the witnesses, having read and
23 considered the exhibits presented as well as the documents and
24 correspondence contained in the complaint file, having heard the
25 testimony and arguments of Dr. Olsztyn, the Board concluded the
26 informal interview and agreed to enter into a consent agreement
27 and order as a final disposition of this matter.
28

1 **THEREFORE**, it is hereby stipulated and agreed that the
2 Consent Agreement and Order represent a compromise of a disputed
3 matter between Stanley R. Olsztyn, M.D. (H) and the Board, and
4 that the Consent Agreement and Order has been consented to by
5 Stanley R. Olsztyn, M.D. (H) for the sole purpose of settling
6 this dispute by agreement, and that nothing contained herein
7 constitutes an admission by Stanley R. Olsztyn, M.D. (H) for any
8 purpose other than to conclude this disputed matter before the
9 Board, with the exception that Stanley R. Olsztyn, M.D. (H)
10 agrees not to contest the findings of fact and conclusions of law
11 contained in the Consent Agreement and Order for purposes of
12 determining sanctions in this matter or at any future
13 disciplinary proceeding by the Board.

14 (1) Dr. Olsztyn admits that sufficient evidence exists for
15 the Board to make the findings of fact and conclusions of law set
16 forth hereafter.

17 (2) Dr. Olsztyn admits that the conduct described in this
18 order is unprofessional conduct as provided by A.R.S. §32-2933
19 and as more specifically stated in the findings of fact and
20 conclusions of law set forth hereafter.

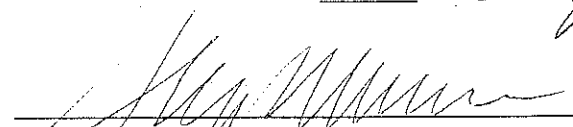
21 (3) Dr. Olsztyn waives any right to rehearing or review or
22 to judicial review of the findings of fact, conclusions of law or
23 order.

24 (4) Dr. Olsztyn acknowledges that in view of the findings
25 of fact and conclusions of law contained in this order, and
26 pursuant to A.R.S. §32-2934 et. seq., the Board is authorized to
27 take disciplinary action against his license to practice
28 homeopathic medicine.

1 (5) Dr. Olsztyn acknowledges that he has consulted with his
2 attorney prior to entering into this consent agreement and order.

3 (6) Dr. Olsztyn acknowledges that any record prepared in
4 this matter, all investigative materials prepared and received by
5 the Board concerning the allegations, and all related exhibits
6 and materials may be retained in the Board's file pertaining to
7 this matter.

8 DATED this 3rd day of July, 1997.

9
10 
11 Stephen W. Myers
12 Attorney at Law
13 for Stanley R. Olsztyn, M.D. (H)

14 I, Stephen W. Myers, hereby attest that I have discussed the
15 Consent to Entry and Findings of Fact, Conclusions of Law and
16 Order with my client, Stanley R. Olsztyn, M.D. (H) and have his
17 authority by my signature to bind him to same.

18 Sworn and subscribed to before me this 3rd day of July
19 1997.




Notary Public

19 Pursuant to the foregoing consent to entry of order, the
20 evidence contained in this Board's records and files in this
21 matter, and good cause appearing, the Board enters the following
22 Findings of Fact, Conclusions of Law and Order.

23 FINDINGS OF FACT

24 1. The Arizona Board of Homeopathic Medical Examiners
25 ("Board") is that body politic created and empowered pursuant to
26 A.R.S. § 32-2900 et seq., to administer the laws of the State of
27 Arizona relating to the Practice of Homeopathic Medicine.
28

1 2. Stanley R. Olsztyn, M.D.(H.) ("Olsztyn") is the holder
2 of license number 004 to practice homeopathic medicine in
3 Arizona.

4 3. Beginning in or about December 1985, M.J. became a
5 patient of Olsztyn's.

6 4. Beginning in or about October 1994, Olsztyn began a
7 personal relationship with M.J. that included consensual sexual
8 relations. At approximately this time, M.J. also became his
9 office manager.

10 5. Statements from Olsztyn's office staff show that his
11 doctor/patient and personal relationships with M.J. were common
12 knowledge.

13 6. Notes from Olsztyn to M.J. contain both references to
14 their doctor/patient relationship and their personal
15 relationship.

16 7. On April 14, 1995 Olsztyn sent to M.J. by certified
17 mail a letter stating that he was terminating the doctor/patient
18 relationship.

19 8. On April 15, 1995, Olsztyn caused the Phoenix Police
20 Department to serve M.J. with a restraining order preventing her
21 from being at the office and terminating her services as office
22 manager.

23 9. On June 23, 1995, Olsztyn wrote to M.J.'s insurance
24 carrier, stating that he had terminated the doctor / patient
25 relationship as of April 14, 1995, and advising them that M.J.'s
26 patient records were missing.

27 10. In a letter dated March 16, 1996, and in statements
28 made to the Board on March 27, 1996, Olsztyn admitted to having a

1 sexual relationship with M.J. between January and April 1995.

2 11. Olsztyn denied M.J. was his patient during the time of
3 their sexual relationship. Olsztyn stated that on or about
4 October 1994 when M.J. became his office manager, Olsztyn
5 terminated the doctor/patient relationship, except in emergency
6 situations, and that documentation of this termination was placed
7 in M.J.'s missing patient file. Olsztyn stated his ex-wife's
8 private investigator had retrieved the termination note from the
9 office trash. The note was not presented to the Board.

10 12. On or about August 10, 1993, Olsztyn wrote a
11 prescription for Dexedrine to Jason Lochrie, his son. The
12 prescription was filled at Crandall's Pharmacy on August 25, 1993
13 (Rx# 235937).

14 13. Between October 2, 1995 and June 20, 1996, four (4)
15 prescriptions for Penicillin, Synthroid and Prozac were called
16 into and filled by Osco's for "Jason Lake" a person having the
17 same address as Olsztyn's son.

18 14. Olszytn denied having treated or written any
19 prescriptions for his son, except on one emergency occasion.

20 15. Between November 11, 1993 and April 4, 1994, Olsztyn
21 wrote six (6) prescriptions for Dexedrine to V.L. These
22 prescriptions were filled at Crandall's (Rx #237764, 238326,
23 239258 and 239786), Smitty's (Rx #115311) and Mack's Pharmacy (Rx
24 #127385).

25 16. Between April 18, 1994 and May 3, 1994, Olsztyn wrote
26 four (4) prescriptions to V.L. for Percodan. These prescriptions
27 were filled at Osco's (263118, 279004, 300235) Crandalls
28 (241808).

1 17. Between May 5, 1994 and August 31, 1994, Olsztyn wrote
2 five (5) prescriptions to V.L. for Percodan, Percocet, or
3 Tenuate. These prescriptions were filled at Osco's (312102,
4 313263) Crandalls (241808) Smitty (118115) Cornerstone (3811,
5 4801).

6 18. On August 19, 1994 Olsztyn wrote a prescription for
7 Percodan to "V. Schlosser," a person having the same address as
8 V.L. That prescription was filled at Cornerstone (5964).

9 19. On September 23, 1994, Olsztyn wrote one (1)
10 prescription for Dexedrine to V.L., who was at that time his
11 mother-in-law. The prescription was filled at Mack's Pharmacy (Rx
12 #128771).

13 20. Olsztyn's records for V.L. show May 4, 1994 as the last
14 date of treatment. None of the prescriptions listed in
15 paragraphs 15 through 19 are noted in V.L.'s patient records.

16 21. Olsztyn stated that he had prescribed psychoactive
17 medications and analgesics, albeit rarely, for V.L.

18 22. Olsztyn initially told the Board, in 1995, that he had
19 been divorced from Janet Lochrie since 1983. Later, in 1996, he
20 said he re-married Janet Lochrie on August or September 1, 1994.

21 23. Between August 23, 1993 and April 8, 1994, Olsztyn
22 wrote seven (7) prescriptions to Janet Lochrie for Percodan. The
23 prescriptions were filled at Osco's (#s 257794, 296811),
24 Crandalls (#s 237057, 238422, 239872) and Smitty's (#s 112444,
25 113839).

26 24. Olsztyn stated that he had prescribed psychoactive
27 medications and analgesics, albeit rarely, for Janet Lochrie.

28

1 25. Janet Lochrie denied receiving the prescriptions listed
2 in paragraph 23, and denied that Olsztyn had ever treated or
3 prescribed for her.

4 26. Olsztyn denied writing the prescriptions listed in
5 paragraphs 12, 15-18 and 23.

6 27. A questioned documents examiner with the Arizona
7 Department of Public Safety reported that, in his expert opinion,
8 Olsztyn had written the thirty-two (32) prescriptions he examined
9 which are the subject of paragraphs 12, 15-18 and 23. This
10 opinion evidence is uncontroverted.

11 28. In response to the Board's request for records in
12 January 1995, Olsztyn denied that his son, Jason Lochrie, or his
13 ex-wife, Janet Lochrie, had ever been his patients, and thus had
14 no patient records on them.

15 29. Olsztyn denied calling in the prescriptions, having
16 patients or knowing the people "Jason Lake" and "V. Schlosser".
17 Olsztyn later acknowledged that his son used the penname "Lake"
18 and, through his attorney, that V.L.'s maiden name was Schlosser.

19 30. In response to the Board's request for records in
20 January 1995, Olsztyn submitted a written statement dated 5-14-95
21 in which he denied having any records for "R.S." stating she was
22 his accountant and not his patient. Subsequently, he provided
23 patient records for "R.S."

24 31. On or about September 30, 1994, Olsztyn caused the
25 Phoenix Police to serve a restraining order on Janet Lochrie,
26 preventing her being at the office, thus terminating her services
27 as office manager. Olsztyn began divorce proceedings against
28 Janet Lochrie.

1 32. In November 7, 1994, Olsztyn reported to the Board of
2 Pharmacy that prescription blanks had been stolen from his
3 office.

4 33. On or about April 15, 1995, Olsztyn re-hired Janet
5 Lochrie as his office manager.

6 34. On or about May 12, 1995 Olsztyn reported to the
7 Phoenix Police Department that a recently discharged staff nurse
8 had called in prescriptions for herself for Tinume (or Tenuate).
9 The nurse was identified by a private investigator as the person
10 who attempted to pick up the prescription.

11 35. Between January 4, 1996 and July 5, 1996, three (3)
12 prescriptions for Synthroid, Prozac and Fiorcet were called into
13 and filled by Osco's for "Janet Johnson" a person having the same
14 address as Olsztyn's ex-wife.

15 36. In testimony before the Board, Olsztyn admitted that he
16 did not have adequate control over his office staff and
17 procedures with respect to many internal management issues and
18 particularly his procedures for prescribing. Olsztyn further
19 testified that he was taking some measures to correct these
20 problems.

21 37. The annulment of Olsztyn's second marriage to Janet
22 Lochrie was accepted by the Maricopa Superior Court on April 12,
23 1996, retroactive to January 11, 1996.

24 38. On or about December 2, 1993, in an intake medical
25 history for his neurologist, Olsztyn reported taking 2.5 m.g. of
26 Dexedrine three times a day for the past several months.

27 39. In testimony before the Board, Olsztyn provided three
28 different explanations of where he obtained the Dexedrine.

1 described in paragraph 38:

2 a. that he had written himself a prescription for it

3 b. that he had taken one (or one-half) tablet from a
4 prescription written for his son in 1993 by his son's
5 psychiatrist.

6 c. that the tablet had been left over from a prescription
7 written for him by a psychiatrist years before.

8 40. On or about February 10, 1994, the neurologist wrote
9 the first of three prescriptions for Dexedrine to Olsztyn. On
10 July 25, 1994 the neurologist noted in Olsztyn's patient record
11 that he would no longer prescribe Dexedrine for Olsztyn.

12 41. On or about October 5, 1995, when seeking treatment for
13 a head injury from the neurologist, Olsztyn reported he had taken
14 5 m.g. of Valium prior to seeking treatment.

15 42. Olsztyn said he obtained the Valium described in
16 paragraph 41 from remainders still in his possession from his
17 involvement in the original 1961-63 DEA trials of the drug.

18 43. On or about September 1995, the Board requested that
19 Olsztyn submit to a urinalysis drug screen. Olsztyn refused to
20 submit to such testing.

21 44. On September 21, 1995, Olsztyn's neurologist wrote him
22 a prescription to undergo a urinalysis drug screen. Olsztyn
23 provided that sample for testing on October 1, 1995, ten days
24 later.

25 45. On or about November 15, 1995, the Board requested
26 Olsztyn to submit to a urinalysis drug screen. Olsztyn did
27 submit to urinalysis on the date requested by the Board.

28 46. The results of the drug screens listed in paragraphs 44

1 and 45 were negative.

2 47. During these proceedings, the Board took notice of the
3 medical fact that Dexedrine clears the human system in ten days.

4 48. At the informal interview on March 27, 1996, Olsztyn's
5 treating neurologist stated to the Board that, in his medical
6 opinion, Olsztyn does have drug abuse potential.

7 49. Dr. Olsztyn agreed to submit to and pay for the
8 psychiatric/addiction evaluation by Marilyn Vache', M.D. on April
9 4, 1997. The Board and Dr. Olsztyn acknowledge that
10 recommendations from Dr. Vache' would be received and considered
11 by the Board. In Dr. Vache's report of June 27, 1997, she
12 recommended monitoring of Dr. Olsztyn's practice and management
13 and review of his prescription writing practices. In addition,
14 Dr. Vache' recommended Dr. Olsztyn to continue with his ongoing
15 psychotherapy and that quarterly reports be provided to the
16 Board. She also suggested that Dr. Olsztyn may benefit from some
17 individual counseling regarding patient/physician boundaries.
18 After reviewing Dr. Olsztyn's history and extensively
19 interviewing both Dr. Olsztyn and his ex-wife with respect to his
20 possible substance abuse, Dr. Vache' made no definitive finding
21 at this time; but recommended ongoing random urine drug screens.
22 In addition to the report of Dr. Vache', the Board also received
23 letters from John R. Zell, M.D. and Michael A. Sucher, M.D.

24 CONCLUSIONS OF LAW

25 1. The conduct and circumstances described in the findings
26 of fact constitute a violation of A.R.S. §32-2933(28) for engaging
27 in sexual intimacies with a patient.

28

1 2. The conduct and circumstances described in the findings
2 of fact constitute a violation of A.R.S. §32-2933(25) for
3 prescribing or dispensing controlled substances to members of the
4 physician's immediate family.

5 3. The conduct and circumstances described in the findings
6 of fact constitute a violation of A.R.S. §32-2933(6) for
7 prescribing controlled substances for other than accepted
8 therapeutic purposes.

9 4. The conduct and circumstances described in the findings
10 of fact constitute a violation of A.R.S. §32-2933(35) for
11 knowingly making a false or misleading statement to the Board.

12 5. The conduct and circumstances described in the findings
13 of fact constitute a violation of A.R.S. §32-2933(34) for failing
14 to appropriately supervise office practices and personnel.

15 6. The conduct and circumstances described in the findings
16 of fact constitute a violation of A.R.S. §32-2933(23) for using a
17 controlled substance unless it is prescribed by another physician
18 for use during a prescribed course of treatment.

19 7. The conduct and circumstances described in the findings
20 of fact constitute a violation of A.R.S. §32-2933(20) for failure
21 to maintain adequate records on patients V.L. and J.L.

22 8. The conduct and circumstances described in the findings
23 of fact constitute a violation of A.R.S. §32-2933(19) for any
24 conduct or practice contrary to recognized standards of ethics of
25 the homeopathic medical profession; or, any conduct or practice
26 which does or might constitute a danger to the health, welfare or
27 safety of the patient or the public as this relates to the poor
28 control, practices and management of the office.

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1 shall not have any relative or ex-relative employed or
2 volunteering at his office after September 1, 1997.

3 5. During the period of suspension and probation, Dr.
4 Olsztyn shall continue in psychotherapy. During probation, Dr.
5 Olsztyn shall inform his treating psychiatrist that the Board has
6 directed Dr. Olsztyn to request a quarterly report be sent to the
7 Board from his treating psychiatrist indicating how he is
8 progressing in his treatment. In addition, Dr. Olsztyn shall
9 submit personal written quarterly status reports to the Board
10 indicating how he is progressing in his treatment programs and in
11 his practice. Dr. Olsztyn's personal reports shall also contain
12 the current name and address of all health professionals he has
13 seen. Both reports from Dr. Olsztyn and his treating psychiatrist
14 shall be due to the Board office on or before the 5th day of the
15 first month of each quarter during probation.

16 6. During probation, Dr. Olsztyn shall submit to and pay
17 for any random biological fluid testing required by the Board.
18 Dr. Olsztyn is noticed that the Board may request testing at a
19 frequency determined necessary in their discretion, but not less
20 than four times per year. Dr. Olsztyn shall have the tests
21 performed by a Board approved laboratory within four (4) hours
22 after a request by the Board. The chemicals tested may be
23 determined by the Board. Dr. Olsztyn shall have the test results
24 submitted to the Board. FAILURE TO COMPLY will be presumptive
25 evidence of a positive urine screening, and would constitute a
26 violation of this Order.

27 7. Upon the effective date of this Order and through the
28 period of probation, the practice monitor shall provide

1 monitoring of all prescriptions, both written and called in, by
2 Dr. Olsztyn pursuant to the written plan agreed to by the parties
3 attached to this Consent Agreement and Order and incorporated
4 herein by this reference as "Addendum 1". The monitoring of Dr.
5 Olsztyn's prescriptions shall be a separate and distinct
6 requirement of the practice monitor's duties that shall be paid
7 for by Dr. Olsztyn. Any discrepancy found by the practice
8 monitor in this regard shall be forwarded to the Board within 10
9 days of its discovery. In addition, the Board may randomly audit
10 various pharmacies not less than four times per year for each
11 probationary year.

12 8. During each year of probation, Dr. Olsztyn shall obtain
13 12 hours of continuing education in medical ethics and 12 hours
14 of continuing education in pain management. During probation,
15 Dr. Olsztyn shall also obtain 5 hours in the area of practice
16 management and 5 hours in medical record keeping. Within 90 days
17 of the beginning of each probationary year, Dr. Olsztyn shall
18 submit a written plan to the Board for approval on how he will
19 obtain these hours of continuing education. Dr. Olsztyn may
20 confer with the practice monitor and present appropriate options
21 for completing these hours. At the end of each probationary
22 year, Dr. Olsztyn shall provide documentary evidence of his
23 attendance or completion of his continuing education hours. The
24 Board will accept signed course certificates of completion.

25 9. It is further ordered that during probation, Dr. Olsztyn
26 shall comply with all statutes and rules of the Board.

27 10. In the event Dr. Olsztyn, at any time during the period
28 of suspension or probation violates any of the conditions or

1 requirements of this Order, or fails or refuses to perform or
2 permit any of the activities agreed in the above Consent
3 Agreement and order, the Board may take appropriate disciplinary
4 action against him which may include formal proceedings, upon
5 notice and opportunity for hearing, for suspension or revocation
6 of his license.

7
8 DATED this 3rd day of July, 1997.

9
10 ARIZONA STATE BOARD OF
11 HOMEOPATHIC MEDICAL EXAMINERS

12 
13
14 ELAINE LETARTE
15 Executive Director

16
17 Copy of the foregoing sent
18 by certified mail # P 383730 328
19 this 3rd day of July 1997 to:

20 Stanley R. Olsztyn

21
22 Copy of the foregoing sent
23 regular mail this 3rd day of
July, 1997 to:

24 Stephen W. Myers
25 3003 N. Central Avenue, Suite 1900
26 Phoenix, Arizona 85012

27 Victoria M. Mangiapane
28 Assistant Attorney General
Department of Law - Civil Division
1275 W. Washington
Phoenix, Arizona 85007

1 requirements of this Order, or fails or refuses to perform or
2 permit any of the activities agreed in the above Consent
3 Agreement and order, the Board may take appropriate disciplinary
4 action against him which may include formal proceedings, upon
5 notice and opportunity for hearing, for suspension or revocation
6 of his license.

7
8 DATED this 3rd day of July, 1997.

9
10 ARIZONA STATE BOARD OF
11 HOMEOPATHIC MEDICAL EXAMINERS

12 
13
14 ELAINE LETARTE
15 Executive Director

16 Copy of the foregoing sent
17 by certified mail # P 383730 328
18 this 3rd day of July 1997 to:

19 Stanley R. Olsztyn
20 4350 E. Camelback Rd., Suite B-220
21 Phoenix, Arizona 85018

22 Copy of the foregoing sent
23 regular mail this 3rd day of
July, 1997 to:

24 Stephen W. Myers
25 3003 N. Central Avenue, Suite 1900
26 Phoenix, Arizona 85012

27 Victoria M. Mangiapane
28 Assistant Attorney General
Department of Law - Civil Division
1275 W. Washington
Phoenix, Arizona 85007

In the Matter of:

STANLEY R. OLSZTYN, M.D. (H.)

Case No. 95-08

ADDENDUM 1

Monitor's Plan for Monthly Medication Monitoring
Sue E. Parks, RN, MS - Monitor

1. No pre-signed prescriptions.
2. No narcotics maintained on site, including samples.
3. No call in prescriptions for non-established patients or patients that have not been seen in the office during the past six months.
4. No prescriptions for non-established patients, i.e., friends, relatives or ex-relatives.
5. Medication chart provided by PARKS implemented into chart management (complete and updated each visit).
6. All prescription pads maintained in locked container with key in possession of Dr. Olsztyn only.
7. All prescription pads consecutively pre-numbered by the printer/manufacturer with NCR paper and forwarded to PARKS every 30 days organized in numerical order.
8. All call in prescriptions maintained with same protocol as above (7).
9. Quarterly site visits to validate above compliance with progress reports to the Homeopathic Board.
10. No call in prescriptions for Schedule II or III drugs. Telefax prescriptions on consecutively pre-numbered prescription pads maintained with same protocol as above (7) are acceptable.
11. Ms. Parks will consult with the Board on the result of pharmacy audits.

**BEFORE THE ARIZONA BOARD OF HOMEOPATHIC MEDICAL
EXAMINERS**

In the matter of the Informal Interview of)

STANLEY R. OLSZTYN, MD(H)
LICENSE NO. 004

Complaint No. 95-08

TERMINATION OF CONSENT
AGREEMENT

This matter came before the Board of Homeopathic Medical Examiners for review on July 24, 2000. The Board considered and determined that there was successful completion of all terms of the Consent Order dated July 3, 1997.

It Is Hereby Ordered that no further monitoring by the Arizona Board of Homeopathic Medical Examiners is necessary with regard to the above referenced matter; and

It Is Further Ordered that monitoring of the Consent Order effective July 3, 1997 be and hereby is terminated effective July 24, 2000.

Dated this 27th day of September, 2000

Christine Springer
Christine Springer
Executive Director

SEAL